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FROM Paula M. Theismann DIRECT DIAL 17977

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PTO/SB/68 (08-08)

Approved for use through 04/30/2009. OMB 0651-0016

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))	Docket Number (Optional) 09792909-4804
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Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6767668 Application Number 09803685

Issue Date 2004-07-27 Filing Date 2001-03-09

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent:

- ☐ is a reissue of original Patent No. _____, original issue date _____;
original application number _____,
original filing date _____.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international
application _____ filed on _____.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Dec 8, 2008
Date

Paula M. Theismann
Signature

Paula M. Theismann
Typed or printed name of person signing Certificate

12/10/2008 DALLIN

00000012 6767668

01 FC:1551
02 FC:1558

980.00 OP
1640.00 OP

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/06 (08-08)
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1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ 980	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 980

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1640

5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ _____.
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____.
- ☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 193140.

[Page 2 of 3]

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PTO/SB/88 (08-08)

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7. OVERPAYMENT

As to any overpayment made please

- ☒ Credit to Deposit Account No. 193140
- OR ☐ Send refund check.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

David R. Metzger 2008-12-05
Signature(s) of Petitioner(s) Date

David R. Metzger 32919
Typed or printed name(s) Registration Number, if applicable

312-876-8000
Telephone Number

Customer # 26263 - Sonnenschein Nath & Rosenthal LLP
Address

P. O. Box 061080, Wacker Drive Station, Sears Tower, Chicago, IL 60606-1080
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

- ☒ Maintenance Fee payment
- ☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- ☒ Declaration of Facts in Support by Chisato Numaoaka

(Page 3 of 3)

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Endo, T. et al.

Group Art Unit: 1745

Serial No.: 09/803,685

Examiner: Ruthkowky, M.

Filed: March 9, 2001

U.S. Patent No. 6,767,668

Issue Date: July 27, 2004

For: Solid Electrolyte Battery and Production
Method Thereof

Case No. 0979290-4804

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**TRANSMITTAL OF PETITION TO ACCEPT UNINTENTIONALLY DELAYED
PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(C))**

Mail Stop Petition
Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attached please find a Petition To Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37CFR 1.378(c)) and the Declaration of Facts by Chisato Numaoka Pursuant to 37 CFR 1.378(c)) in support thereof for review and consideration.

Credit Card payment authorization for the requisite petition fees are made via the electronic submission process.

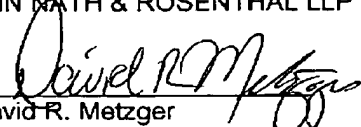
The Commissioner is hereby authorized to charge any additional fees required, as well as any patent application processing fees associated with this communication for which full payment has not been tendered, to Deposit Account No. 19-3140.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

SONNENSCHN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station
Sears Tower
Chicago, Illinois 60606-1080
Telephone: (312) 876-8000

By:


David R. Metzger
Registration No. 32,919

S O I P 03530500

Atty Docket No.: 09792909-4804
U.S. Patent No.: 6,767,668

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Endo, T. et al.

Application No.: 09/803,685

Filed: March 9, 2001

U.S. Patent No.: 6,767,668

Issue Date: July 27, 2004

For: **SOLID ELECTROLYTE BATTERY AND PRODUCTION METHOD THEREOF**

Group Art Unit: 1745

Examiner: Ruthkosky, M.

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF FACTS BY CHISATO NUMAOKA
PURSUANT TO 37 C.F.R. §1.378(c)

Sir:

I, Chisato Numaoka, declare that:

1. I have personal knowledge or have obtained information from or formed a good faith belief based on a thorough investigation of the facts set forth herein.
2. U.S. Patent No. 6,767,668 ("668") issued July 27, 2004.
3. The above-identified patent is assigned to Sony Corporation, 6-Chome, Shinagawa-Ku, 7-35, Kitashinagawa, Tokyo, Japan, and assigned Reel/Frame No. 012438/0898, recorded on January 8, 2002.

Atty Docket No.: 09792909-4804
U.S. Patent No. 6,767,668

4. U.S. Patent No. 6,767,668 expired due to a failure to pay the 3.5 year maintenance fee by July 27, 2008, which was the end of the six month grace period for the 3.5 year maintenance fee.

5. The entire delay in payment of the 3.5 year maintenance fee for U.S. Patent No. 6,767,668 since July 27, 2008 was unintentional.

6. Sony Corporation has an Intellectual Property Division whose functions include the prosecution, maintenance, and licensing of patents.

7. On December 1, 2005, Sony Corporation, informed its U.S. Patent counsel, David R. Metzger and SONNENSCHN NATH & ROSENTHAL LLP, to not maintain the patent.

8. However, during July to August, 2008 I was tasked with the responsibility of reviewing a large number of Sony Corporations patents to again determine which patents should be maintained. I had full authority to decide on behalf of Sony Corporation which patents should be maintained. My decision was to be final, subject only to ministerial approval for things like funding. I did not know when any fees for maintaining the patents were due.

9. By July 27, 2008, I determined that United States Patent No. 6,767,668 should be maintained.

9. My decision to maintain the '668 patent constituted an intention on behalf of Sony Corporation to maintain the '668 patent. I acted with full and proper authority within the Intellectual Property Division to identify the '668 patent as a patent to be maintained.

10 As a result, Sony Corporation by virtue of my full and complete authority to act on behalf of Sony Corporation, made a deliberate decision to maintain U.S. Patent No. 6,767,668 before July 27, 2008.

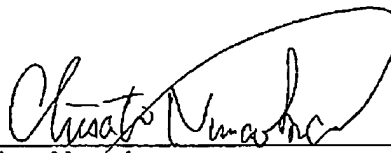
11. Unfortunately, due to the large number of patents being reviewed, the entire task could not be completed until end of August, 2008. Further, due a need to obtain approval for the funding of the payment of the maintenance fees, the decision to maintain the

Atty Docket No.: 09792909-4804
U.S. Patent No. 6,767,668

'668 patent was not communicated to Sony's United States patent counsel, David R. Metzger, Sonnenschein Nath & Rosenthal LLP, until November 4, 2008.

11. Since November 4, 2008, David R. Metzger has assisted Sony in filing the petition in connection with which this declaration is submitted..

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Chisato Numaoaka
IP Manager
IP Asset Management Department
Intellectual Property Division
Sony Corporation

Dec. 4, 2008